

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
In Re: New York City Policing During Summer :
2020 DemonstrationsORDER
20 Civ. 8924 (CM) (GWG)-----X
: This filing is related to
:ALL CASES:
:
-----X**GABRIEL W. GORENSTEIN, United States Magistrate Judge**

On August 19, 2021, the Court held a discovery conference to address various issues raised by the plaintiffs in Docket # 230. Among these issues was plaintiffs's contention that defendants improperly redacted entries on Internal Affairs Bureau resumes, Central Personnel Index reports, and Civilian Complaint Review Board histories. During the conference, the Court ordered plaintiffs to provide a sample of documents for the Court's in camera review. On September 7, 2021, at the Court's direction, the City produced unredacted versions for the Court's in camera review.

Having conducted the in camera review, the Court finds that the City has largely complied with its responsibilities to produce the categories that both sides agree must be produced (and that the Court would have ordered produced): incidents relating to excessive force or false arrest, and incidents bearing on officers' dishonesty.

The Court has relied on the entries' descriptions for the purposes of determining the City's production obligations. While it is theoretically possible that some entries (for example, involving memo book discrepancies or improper stops or searches) might theoretically fit into one of the categories (e.g., dishonesty), it would be too burdensome to require production of materials that have only a speculative or tangential relation to the agreed-upon categories. We note also that there are some entries that involve conduct with individuals known personally to an officer and with whom the interaction at issue apparently did not occur during the performance of the officer's official duties — such as incidents involving threats or physical force as to a domestic partner. Because these incidents involve neither use of official authority nor interaction with the public, we will not require their production.

However, the Court directs that the City produce entries relating to two incidents. First, a 2017 use of force incident involving an officer which appears at DEF_000162057. The Court does not understand why this was not produced initially. Second, as reflected in DEF_000162091 and DEF_000162249, in March 2020, the City substantiated a December 17, 2019 allegation that an officer "direct[ed] that a Complaint Report be prepared inaccurately." This is close enough to an allegation regarding dishonesty that it must be produced. The production shall take place by October 19, 2021.

SO ORDERED.

Dated: October 12, 2021
New York, New York



GABRIEL W. KORENSTEIN
United States Magistrate Judge